

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL FOLEY,

Plaintiff,

v.

MICHELLE PONT, *et al.*,

Defendants.

2:11-cv-01769-ECR-VCF

O R D E R

Before the court is *pro se* Plaintiff Michael Foley's Ex Parte Motion to File Using Case Management/Electronic Case Filing System and Request for Fee Waiver; Motion to Enlarge Time (# 86). The clerk's office has registered Plaintiff Michael Foley's Ex Parte Motion to File Using Case Management/Electronic Case Filing System and Request for Fee Waiver; Motion to Enlarge Time as two motions. (#86 and #90). This order only addresses Plaintiff Michael Foley's Ex Parte Motion to File Using Case Management/Electronic Case Filing System and Request for Fee Waiver (#86). Plaintiff requests that Court grants him access to the CM/ECF system for purposes of filing his documents and requests a fee waiver for CM/ECF access. Plaintiff claims that it is a financial hardship for him print and serve documents on opposing parties. Plaintiff states that he is in the process of searching for a job and this hinders his ability to job search. On November 4, 2011, the Court granted Plaintiff's Motion to Proceed *In Forma Pauperis* (#2) and he is permitted to maintain the action to conclusion without the necessity of prepayment of any additional fees, costs, or security. CM/ECF charges a fee at the initial filing of the Complaint. Plaintiff's complaint was filed on November 4, 2011 and the Order granting Mr. Foley's Motion to Proceed *In Forma Pauperis* (#2) allowed Mr. Foley to file the Complaint free of charge. CM/ECF does not charge a fee for filing most documents. When a document is filed in CM/ECF, the system generates an email with a link to the file stamped document

1 to the filing party and all other parties affiliated or a notification via U.S. Mail is sent if that party does
2 not have a registered email address. There is no cost to download and save the file stamped document
3 from the CM/ECF email as long as it is done within the time period stated in the CM/ECF email. If the
4 time period has lapsed to view the document in the CM/ECF email, there is a charge of \$0.10 per page
5 with a cap of \$3.00 per single document. The cap does not apply to name searches, reports that are not
6 case-specific and transcripts of federal court proceedings.

7 The statute providing authority to proceed *in forma pauperis*, 28 U.S.C. § 1915, does not include
8 the right to obtain court documents without payment. Although the Ninth Circuit has not spoken on the
9 issue, courts in other jurisdictions have not allowed plaintiffs proceeding *in forma pauperis* to receive
10 free copies of documents from the court without the plaintiff demonstrating a specific showing of need.
11 *See, e.g., Collins v. Goord*, 438 F.Supp. 2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43 F.3d 1483 (10th
12 Cir. 1994) (no right to free copy of any document in record unless plaintiff demonstrates specific need);
13 *In re Richard*, 914 F.2d 1526 (6th Cir. 1990) (28 U.S.C. § 1915 does not give litigant right to have
14 documents copied at government expense); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964) (no
15 free copy of court orders). Here, Plaintiff has not stated any specific reason that he needs additional
16 copies.

17 IT IS ORDERED that *pro se* Plaintiff Michael Foley's Ex Parte Motion to File Using Case
18 Management/Electronic Case Filing System and Request for Fee Waiver (# 86) is GRANTED in part
19 and DENIED in part.

20 IT IS FURTHER ORDERED that Plaintiff Michel Foley may file using the CM/ECF system
21 **with the following provisions:**

- 22 1. On or before July 6, 2012, Plaintiff, Michael Foley must provide
23 certification that he has completed the CM/ECF tutorial and is familiar with
24 Electronic Filing Procedures, Best Practices and the Civil & Criminal Events
25 Menu that are accessible on this court's website.

2. Plaintiff, Michael Foley is not authorized to file electronically until said certification is filed with the Court within the time frame specified.

IT IS FURTHER ORDERED that Plaintiff's request for Fee Waiver is DENIED without prejudice.

Carla F. Fiedler